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January 31, 2006

The Honorable Charles Terreni
Chief Clerk of the Commission
Public Service Commission of South Carolina
Post Office Drawer 11649
Columbia, South Carolina 29211

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SC PUBLIC SERVICE
COMMISSION

Re: Docket No. 2005-354-A (Proposed Changes to Article 8 Regulations)

Dear Mr. Terreni:

Pursuant to the "Notice of Public Hearing and Opportunity for Public Comment" in the *State Register*, BellSouth Telecommunications, Inc. ("BellSouth") respectfully submits the following written comments on the Proposed Regulations regarding Practice and Procedure before the Public Service Commission of South Carolina ("Commission"). BellSouth reserves the right to present supplemental or additional oral and/or written comments on the proposed regulation at the hearing scheduled for February 2, 2006.

A. 103-803 Waiver of Rules

In any case where compliance with any of these rules and regulations produces unusual hardship or difficulty, or where circumstances indicate that a waiver of one or more rules or regulations is otherwise appropriate, the application of such rule or regulation may be waived by the Commission upon a finding by the Commission that such waiver is ~~in~~ not contrary to the public interest.¹

A request for a waiver may be reasonable and appropriate even though it is not based on unusual hardship or difficulty, and the Commission's rules should allow the Commission the flexibility to consider and, if appropriate, grant such requests. | Additionally, some such requests may not necessarily further the public interest, but the

¹ Single underlines and single strikeouts are identical to those that appear in the document the Commission initially submitted for inclusion in the *State Register*. Double underlines indicate language that BellSouth suggests adding to the proposed regulation, and double strikeouts indicate language BellSouth suggests deleting from the proposed regulation.

Commission should have the flexibility to grant such as long as they do not harm the public interest.

B. 103-804.Q. Definition of Proceeding.

The general process of the Commission's determination of the relevant facts and the applicable law, the consideration thereof and the action thereupon in regard to a particular subject matter within the Commission's jurisdiction, initiated by the filing of an appropriate pleading or issuance of a Commission order or rule to show cause, ~~or by the receipt of oral or written communication by the staff. A proceeding may be formal or informal.~~

As it appears in the *State Register*, this definition ends with "initiated by the filing of an appropriate pleading or issuance of a Commission order or rule to show cause or by the receipt of written communication." BellSouth believes this may be a typographical error and that the sentence was intended to end with "initiated by the filing of an appropriate pleading or issuance of a Commission order or rule to show cause." If this is not the case, BellSouth has some concerns regarding the intent of the definition and will be prepared to discuss those concerns during the hearing.

C. 103-810. Functions of the Commission

C. Except as otherwise provided by law, ~~R~~egulation and supervision of rates and charges, services, facilities, practices and accounting procedures for all privately and publicly-owned telephone and telegraph companies within the State. S. C. Code Ann., Section 58-9-10 et. seq., (1976), as amended; R.103-600 et. seq.

BellSouth proposes this introductory clause to reflect the fact that several telephone companies are exempt, in whole or in part, from such regulation with regard to many of their service offerings. See, e.g., S.C. Code Ann. §§58-9-576 (alternative regulation); 58-9-285 (bundled offerings and contract offerings); 58-9-297 (relief from obligation to provide regulated services in certain circumstances).

D. 103-840. Motions.

A. ~~Certain motions, except those made during hearings,~~ will be reduced to writing and filed with the ~~Executive Director~~ Chief Clerk at least ten (10) days prior to the commencement of a hearing. ~~Such motions shall include motions for a special appearance, motions to object to the jurisdiction of the Commission, and motions to strike a portion of a pleading filed by any party in a proceeding.~~ Responses to such motions are due within ten twenty days after service of said

motions. Replies to responses to motions shall be filed with the Commission within ~~five~~ ten days of service of the response. These times may be modified by order of the Commission or its designee for good cause. Written motions to quash a subpoena will be made pursuant to R. 103-85032G.

Many motions that have been filed in dockets in which BellSouth has participated in recent years have been of such complexity that ten days is not enough time to prepare an adequate response. Based on that experience, BellSouth respectfully suggests that a rule providing for twenty days to respond and ten days to reply likely would reduce the number of requests for a modification of these timeframes that the Commission or its designee would have to address.

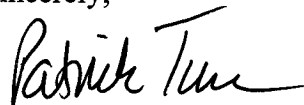
E. 103-84130. Filing and Service of Pleadings.

All pleadings shall be filed with the ~~Executive Director~~ Chief Clerk of the Commission and served on the Office of Regulatory Staff unless and until it chooses not to participate in a proceeding.

By statute, the ORS “must be considered a party of record in all filings, applications, or proceedings before the commission,” but only “[u]nless and until it chooses not to participate.” See S.C. Code Ann. §58-4-10(B). *Accord Id.*, §58-4-50(10). BellSouth respectfully submits that parties should not be required to continue serving pleadings on the ORS after it chooses not to participate in a proceeding.

BellSouth appreciates the opportunity to submit these suggestions, and we look forward to discussing them during the hearing of February 2, 2006. Given that I am unaware of any formal interventions in this docket, I would appreciate your posting these comments on the Commission's website.

Sincerely,



Patrick W. Turner